

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

\*\*\*\*\*

LAURIE DeNEUI and TERRY DeNEUI,

\*

CIV. 07-4172

Plaintiffs,

vs.

DR. BRYAN WELLMAN, SIOUX FALLS  
NEUROSURGICAL ASSOCIATES, P.C.,  
and SANFORD CLINIC  
NEUROSURGERY & SPINE,

\*

\*

\*

**JOINT ANSWER OF DEFENDANTS**

**DR. BRYAN WELLMAN, SIOUX**

**FALLS NEUROSURGICAL**

**ASSOCIATES, P.C. AND SANFORD**

**CLINIC NEUROSURGERY & SPINE**

Defendants.

\*\*\*\*\*

Come now the above-named Defendants and for their Answer to Plaintiffs' Complaint,  
state and allege as follows:

1. These Defendants deny each and every matter, allegation, and thing in Plaintiffs' Complaint, except as admitted below.
2. These Defendants admit Paragraphs 3, 4, 8, 10, 11, 12, 17, 22, and 27 in Plaintiffs' Complaint; admit that portion of Paragraph 29 in Plaintiffs' Complaint that alleges Sioux Falls Neurosurgical Associates is responsible for the acts and omissions of Dr. Wellman pursuant to the doctrine of respondeat superior, but denies that Sanford Clinic and Neurosurgery & Spine is responsible for such acts and omissions; and admit, upon information and belief, Paragraphs 1 and 2 of Plaintiffs' Complaint.
3. These Defendants, further answering, deny Paragraphs 5, 9, 13, 14, 18, 19, 20, 23, 24, 25, 28, 31, and 33 of Plaintiffs' Complaint.

4. These Defendants, further answering, are without information sufficient to form a belief as to the truth of the veracity of the allegations in Paragraph 15 of Plaintiffs' Complaint and, therefore, remit Plaintiffs to their strict burden of proof thereof.

5. These Defendants, further answering, deny that Defendant Dr. Bryan Wellman's acts or omissions proximately caused any loss, injury or damage to Plaintiffs.

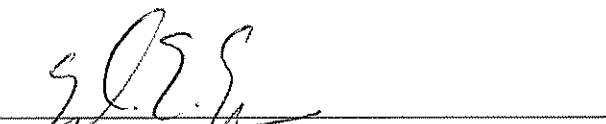
6. These Defendants, further answering, deny the nature and extent of Plaintiffs' alleged injuries, losses, and damages.

7. These Defendants move to dismiss Count VI [sic] of Plaintiffs' Complaint for failure to state a claim upon which relief can be granted and for being violative of the United States Constitution and the State of South Dakota Constitution.

WHEREFORE, these Defendants pray that Plaintiffs' Complaint be dismissed on the merits and that they recover their costs and disbursements herein together with such other and further relief as the Court deems just and proper in the premises.

Dated at Sioux Falls, South Dakota, this 5<sup>th</sup> day of December, 2007.

DAVENPORT, EVANS, HURWITZ &  
SMITH, L.L.P.



---

Edwin E. Evans  
206 West 14<sup>th</sup> Street  
PO Box 1030  
Sioux Falls, SD 57101-1030  
Telephone: (605) 336-2880  
Facsimile: (605) 335-3639  
E-mail: eevans@dehs.com  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned, one of the attorneys for Defendants, hereby certifies that on the 5th day of December, 2007, I caused the "Joint Answer of Defendants Dr. Bryan Wellman, Sioux Falls Neurosurgical Associates, P.C. and Sanford Clinic Neurosurgery & Spine" to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-mail notice of the electronic filing to the following:

Steven M. Johnson  
A. Russell Janklow  
Shannon R. Falon  
Johnson, Heidepriem, Janklow, Abdallah & Johnson, LLP  
P.O. Box 1107  
Sioux Falls, SD 57101-1107

*Attorneys for Plaintiffs*

on this 5th day of December, 2007.

